

REFERENCE TITLE: animal cruelty; law enforcement animals

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2120

Introduced by
Representatives Lopez L: Gallardo, Garcia M, Meza, Prezelski, Tom

AN ACT

AMENDING SECTION 13-2910, ARIZONA REVISED STATUTES; RELATING TO ANIMAL CRUELTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-2910, Arizona Revised Statutes, is amended to
3 read:

4 13-2910. **Cruelty to animals; interference with law enforcement**
5 or service animal; classification; definitions

6 A. A person commits cruelty to animals if the person does any of the
7 following:

8 1. Intentionally, knowingly or recklessly subjects any animal under
9 the person's custody or control to cruel neglect or abandonment.

10 2. Intentionally, knowingly or recklessly fails to provide medical
11 attention necessary to prevent protracted suffering to any animal under the
12 person's custody or control.

13 3. Intentionally, knowingly or recklessly inflicts unnecessary
14 physical injury to any animal.

15 4. Recklessly subjects any animal to cruel mistreatment.

16 5. Intentionally, knowingly or recklessly kills any animal under the
17 custody or control of another person without either legal privilege or
18 consent of the owner.

19 6. Recklessly interferes with, kills or harms a ~~working or service~~ LAW
20 ENFORCEMENT animal without either legal privilege or consent of the owner.

21 7. RECKLESSLY INTERFERES WITH, KILLS OR HARMS A SERVICE ANIMAL WITHOUT
22 EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

23 7. 8. Intentionally, knowingly or recklessly leaves an animal
24 unattended and confined in a motor vehicle and physical injury to or death of
25 the animal is likely to result.

26 8. 9. Intentionally or knowingly subjects any animal under the
27 person's custody or control to cruel neglect or abandonment that results in
28 serious physical injury to the animal.

29 9. 10. Intentionally or knowingly subjects any animal to cruel
30 mistreatment.

31 10. 11. Intentionally or knowingly interferes with, kills or harms a
32 ~~working or service~~ LAW ENFORCEMENT animal without either legal privilege or
33 consent of the owner.

34 12. INTENTIONALLY OR KNOWINGLY INTERFERES WITH, KILLS OR HARMS A
35 SERVICE ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

36 11. 13. Intentionally or knowingly allows any dog that is under the
37 person's custody or control to interfere with, kill or cause physical injury
38 to a service animal.

39 12. 14. Recklessly allows any dog that is under the person's custody
40 or control to interfere with, kill or cause physical injury to a service
41 animal.

42 13. 15. Intentionally or knowingly obtains or exerts unauthorized
43 control over a service animal with the intent to deprive the service animal
44 handler of the service animal.

1 B. It is a defense to subsection A of this section if:

2 1. Any person exposes poison to be taken by a dog that has killed or
3 wounded livestock or poison to be taken by predatory animals on premises
4 owned, leased or controlled by the person for the purpose of protecting the
5 person or the person's livestock or poultry, ~~and~~ the treated property is kept
6 posted by the person who authorized or performed the treatment until the
7 poison has been removed, ~~—~~ and the poison is removed by the person exposing
8 the poison after the threat to the person, ~~—~~ or the person's livestock or
9 poultry has ceased to exist. The posting required shall provide adequate
10 warning to persons who enter the property by the point or points of normal
11 entry. The warning notice that is posted shall be readable at a distance of
12 fifty feet, shall contain a poison statement and symbol and shall state the
13 word "danger" or "warning".

14 2. Any person uses poisons in and immediately around buildings owned,
15 leased or controlled by the person for the purpose of controlling wild and
16 domestic rodents as otherwise allowed by the laws of the state, excluding any
17 fur-bearing animals as defined in section 17-101.

18 C. This section does not prohibit or restrict:

19 1. The taking of wildlife or other activities permitted by or pursuant
20 to title 17.

21 2. Activities permitted by or pursuant to title 3.

22 3. Activities regulated by the Arizona game and fish department or the
23 Arizona department of agriculture.

24 D. A peace officer, animal control enforcement agent or animal control
25 enforcement deputy may use reasonable force to open a vehicle to rescue an
26 animal if the animal is left in the vehicle as prescribed in subsection A,
27 paragraph 7 of this section.

28 E. A person who is convicted of a violation of subsection A, paragraph
29 6, ~~or 10~~ 7, 11 OR 12 of this section is liable as follows:

30 1. If the ~~working~~ LAW ENFORCEMENT or service animal was killed or
31 disabled, to the owner or agency that owns the ~~working~~ LAW ENFORCEMENT or
32 service animal and that employs the handler or to the owner or handler for
33 the replacement and training costs of the ~~working~~ LAW ENFORCEMENT or service
34 animal and for any veterinary bills.

35 2. To the owner or agency that owns a ~~working~~ LAW ENFORCEMENT or
36 service animal for the salary of the handler for the period of time that the
37 handler's services are lost to the owner or agency.

38 3. To the owner for the owner's contractual losses with the agency.

39 F. An incorporated city or town or a county may adopt an ordinance
40 with misdemeanor provisions at least as stringent as the misdemeanor
41 provisions of this section.

42 G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, ~~6,~~ 7,
43 8 or ~~12~~ 14 of this section is guilty of a class 1 misdemeanor. A person who
44 violates subsection A, paragraph 6, ~~8,~~ 9, 10, ~~11~~ ~~or~~ 12, 13 OR 15 of this

1 section is guilty of a class 6 felony. A PERSON WHO VIOLATES SUBSECTION A,
2 PARAGRAPH 11 OF THIS SECTION IS GUILTY OF A CLASS 5 FELONY.

3 H. For the purposes of this section:

4 1. "Animal" means a mammal, bird, reptile or amphibian.

5 2. "Cruel mistreatment" means to torture or otherwise inflict
6 unnecessary serious physical injury upon an animal or to kill an animal in a
7 manner that causes protracted suffering to the animal.

8 3. "Cruel neglect" means to fail to provide an animal with necessary
9 food, water or shelter.

10 4. "Handler" means a law enforcement officer or any other person who
11 has successfully completed a course of training prescribed by the person's
12 agency or the service animal owner and who used a specially trained animal
13 under the direction of the person's agency or the service animal owner.

14 6. 5. "~~Working~~ LAW ENFORCEMENT animal" means a horse or dog that is
15 used by a law enforcement agency, that is specially trained for law
16 enforcement work and that is under the control of a handler.

17 5. 6. "Service animal" means an animal that has completed a formal
18 training program, that assists its owner in one or more daily living tasks
19 that are associated with a productive lifestyle and that is trained to not
20 pose a danger to the health and safety of the general public.